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**Expanding the Use of Social Media in
Law Enforcement Agencies**

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ABSTRACT

Law enforcement agencies have not been utilizing social media to its full capacity. A majority of adults utilize social media on a day-to-day basis (Pew Research Center, 2016), which gives agencies a large number of constituents they can reach on social media. While law enforcement agencies have started to delve into the world of social media, many agencies are not utilizing social media to its fullest capacity. Law enforcement agencies should utilize social media to its full capacity in order to further goals and interests of the department. One of the ways agencies can improve would be utilizing social media to aid in investigations by reaching out for public help in identifying subjects. Agencies can also shape their public relations message better by having an active social media presence where citizens can interact with their local departments any time they have an internet connection. Finally, departments can save costs on recruitment and better target recruiting messages to a wider audience with successful social media strategies. Law enforcement agencies need to create departmental policies for their agency, train the individuals who will be responsible for using the departments social media, and then start engaging the public and utilize social media to its fullest capacity.

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INTRODUCTION

With an ever-increasing number of individuals utilizing social media and an increasing number of social media platforms, police departments must learn to take full advantage of these resources. According to the Greenwood, Perrin, and Duggan of the Pew Research Center (2016), 86% of Americans are internet users and 79% of adult's online use Facebook. People use social media to stay in touch with friends, gather news, share updates about their life, search for jobs, and promote their businesses. For many years, most police departments have had a website, though the information contained on the websites are often a list of contacts and generic information that is not interactive at all.

Social media presents a unique and different dynamic as it can be updated regularly and with ease. In 2017, the International Association of Chiefs of Police (IACP) created recommendations for police departments to develop policies for best practices with social media by the President's Task Force. Social media can be used in a variety of way to benefit police departments. A survey by the IACP (2013) found that 91% of police departments surveyed use social media to send out safety bulletins, 89% utilize it for community engagement, and 59% have reached out to the companies running social media to aid in an investigation.

With the sheer number of individuals online and using social media, police departments can create their own social media platforms that have the ability to benefit departments in many ways. When an agency has a social media presence, it can allow the public an easy venue to engage with the agency, gather information from the agency and allow departments to build trust with the communities they serve. When a

police department uses available platforms, they can be available to every adult that has a computer or smartphone and internet access.

This paper will highlight a multitude of benefits to police departments for using social media. As with anything, there can be concerns both within an agency and from the public at large about a department using social media, and some of these concerns will be dissected. However, an agency can benefit from using social media in clearing investigations, increasing rapport with the communities they serve, and recruiting the next generation of police officers. Law enforcement agencies should utilize social media to its full capacity in order to further goals and interests of the department.

POSITION

One of the many benefits a police department can garner from using social media is investigations. With such a large number of adults using social media, agencies can and should use their social media platforms to aid in solving unsolved crimes. A department can post a picture from a robbery or unsolved crime and now it can be out there for the public to see, discuss and share, which may result in leads that would never have arisen in the past. The public is wanting to help, according to a survey on Accenture (n.d.), “88% of citizens want to help prevent and fight crime... however 84% of citizens surveyed feel only minimally informed of local police activities” (para. 1). According to the 2016 IACP survey, 76% of agencies using social media solicit tips, and 70% use social media to gather intelligence for investigations (p. 3).

Police departments may also gain vital information from friends of a suspect or a suspect's social media pages themselves. LexisNexis (2012) surveyed agencies who used social media to obtain search warrants and found 87% of the time police obtained

warrants that used social media information to develop probable, held up upon court appeals. Courts continue to rule in favor of police departments who utilize information they were able to obtain from social media. As more and more social media platforms become available it will also offer new avenues for crime. Police departments must keep up with the latest trends in order to be able to recognize and solve the new wave of crimes that will be reported.

Law enforcement agencies should be utilizing social media to increase rapport with the communities they serve and create an air of transparency. No agency wants to be viewed in a negative light, and using social media a police department can craft the message they want received by the public. According to Brunty (2012), agencies are attempting to work towards police and the community engaging and social media helps achieve these goals. With the ability to send a Facebook post or Tweet out and reach hundreds of thousands of individuals, police departments have new opportunities to distribute information, deliver crime prevention tips, and in general create an avenue for the public to interact with them.

Police departments also now have an ability to quickly get a message out during a large scale critical incident. De Lucca (2016) touched on this in relation to the Orlando Pulse Nightclub shooting in 2016; he pointed out the ability of the Orlando Police Department to post the general information of where the shooting occurred and to avoid the area. The agency was able to provide updates through Twitter to the public and media. Previously citizens would have needed to turn on a television and wait for media updates. Now, anyone with a smart phone has the ability to get these instant and accurate updates.

By utilizing social media police departments also have the ability to show the public they are human too. Fazzini (2003) suggests police departments use marketing strategies seen in the business world to interact with citizens and create awareness of services departments provide that may otherwise be unknown. Police departments can advertise citizens police academies, introduce new officer hires, and publish citizens compliments that are not seen on a normal day to day basis. In 2013, the IACP found “73.1% of agencies state that social media has improved police-community relations in their jurisdiction” (p. 1). Better relations lead to more trust in departments and opens up even more avenues for information sharing.

As more and more people utilize social media, the way they use it also changes including in searching and researching jobs. According to Kacsmar, (2016) “57% of job seekers said they used social media at least once a month to learn more about potential employers” (para. 8). This shows that more than half of all individuals looking for a job are using social media outlets to research jobs, and gain information on who they want to apply with. With an increasing number of individuals searching for jobs online and researching potential employers, police departments are missing a valuable and free opportunity to promote themselves and their job openings. Kacsmar (2016) also found that 43% of job hunters between ages 19 and 29 look for jobs on social media. This demographic is a key age group for police agencies looking to recruit and hire the next generation of officers.

Any police department can create a post of Facebook advertising a job opening and attaching a link for individuals to apply. Not only is it relatively easy, but other than the time of the person posting the advertisement, the post is completely free and

available immediately. Law enforcement agencies can post these job openings and they can tailor the postings to who they are trying to reach. The departments can focus on having local citizens see the job openings or have individuals they have built a relationship with share the posting to their friends and family. The posting of job openings can also get picked up by other local agencies and shared with applicants they did not hire during their process.

When using social media as a recruitment tool, individuals will be able to ask questions directly on the page or have the ability to send a private message to the department with a specific question. Departments can post commonly asked questions in an easy to access manner for applicants. Also by using social media, a department will be able to expand on their applicant pool. According to Brunty (2012), “limited selection pool of qualified potential law enforcement candidates has been an extreme issue for agencies across the country” (p. 42). Now, smaller agencies who may have previously only posted job openings on the city website or local papers can have a nationwide posting with the click of the mouse. This enables small and medium sized departments to appeal to job seekers that are not local and attract applicants who may not have previously known about their agency.

Along with the ability to aid in recruitment, social media can also assist agencies in sorting through applicants by looking at applicant’s social media pages. Searching an applicant’s publicly available social media page provides further insight into the applicant’s characters. Additionally, a thorough search of an applicant’s social media profiles can aid in preventing lawsuits down the line when an individual does post potentially offensive materials for public consumption.

COUNTER ARGUMENTS

Police departments face an obstacle in using social media with legal concerns, specifically potential first amendment right issues. An example of this was written about by Kelleher in 2012, as the Honolulu Police Department was sued for potentially violating first amendment rights of individual's when they deleted posts and banned individuals from their page who made unfavorable remarks. According to Walden (2014) the lawsuit was settled in 2014 with the department paying \$31,000 in attorney's fees and agreeing to change the departments social media policies. Due to the case ending in settlement there was no legal precedent made from this specific case. While there remains no specific legal precedent that clearly defines departments Facebook pages as being public forums, there have been lawsuits that treat departments pages as being open forums; however, courts have not ruled on any to date.

A way to combat First Amendment lawsuits is to adopt a policy that clearly communicates what can be moderated. It is easy to point out and spot hate speech and obscenities which have been ruled by the Supreme Court as not protected speech. In *Miller v. California* the courts ruled speech is not protected when the average person finds speech to be offensive and lacking literary or political value. In *Chaplinsky v. New Hampshire* the Supreme Court ruled that speech is also not protected when it constitutes speech that can lead to a breach of the peace, such as personally abusive to an ordinary citizen. Chawla (2015) suggests limited public forum rules apply to social media and agencies can moderate if they do so in an impartial manner. Chawla (2015) also suggest adopting clear guidelines, training those who will moderate, and preserving all records. One such ways departments can do this is to photograph or screenshot all

postings before they are removed. Departments can then save these photographs for a set amount of time to avoid any potential first amendment lawsuits.

Another opposition to law enforcement agencies use of social media is often expressed as concerns over privacy. The Judicial Learning Center (n.d) states, “the purpose of the 4th amendment is to protect people from being abused by a powerful government” (para. 3). Over time the 4th amendment has come to be seen as protecting citizens’ rights to privacy from government intrusions. However, as Nolan (2014) pointed out, things an individual puts out there on social media, specifically Twitter is instantly available to anyone in the world with the ability to access the internet. The only way it would not be is if your account was set to private. Nolan (2014) further stated “When we choose to say something in public, we choose to broadcast it to the world” (para. 5). Schmidt (2012) wrote that “The Fourth Amendment applies in situations where an individual has a reasonable expectation of privacy. This standard cannot be satisfied in social networking... there may be no real protection from authorities when one posts online” (p. 517). This reasoning sets a standard that online social media postings are seen in the courts eyes as public, and available to be used against suspects.

While individuals may feel their privacy is being invaded by law enforcement agencies utilizing social media, the Supreme Court has not upheld thus far. There are many protected forms of communication but public postings, and public comments on a public Facebook page have continually not been ruled as protected speech. When people make information available to the public at large they cannot reasonably expect it to not be used by law enforcement agencies. In addition, Scott-Hayward (2015)

stated that in *United States v. Meregildo*, a police department was able to see postings that were only supposed to be viewed by Meregildo's friends list. A friend of his shared the information with the department enabling them to see a message that was set to friends only. Courts ruled if a person who does have access to the information decides to share it with an agency they are free to do so (Scott-Hayward, 2015). These court rulings have consistently show if a person posts on social media, even with the intent of it only being seen by friends they cannot expect that information to not be shared with law enforcement agencies, and agencies may utilize information they obtain for investigatory purposes.

RECOMMENDATION

Law enforcement agencies can benefit in a myriad of ways by using social media. Agencies can now turn to social media to reach out to the public in an instant, easily and freely updating the message that they want the public to hear. Police departments can use department Facebook or Twitter pages to post most wanted list, warrant lists, or a photo of an unknown suspect. In an instant, these posts can be shared and seen by thousands of citizens, effectively opening up several new avenues for tips from the public.

Departments can also use their social media presence to move into the new age of community policing. Departments can post crime prevention tips, news about road closures, targeted traffic enforcement areas, and allow public feedback and commentary. Giving citizens an avenue to easily reach out with questions or feedback and departments giving a quick and accurate answer will help build rapport within the community. Departments also allowing public feedback will also be more transparent.

When communities view departments as more transparent they will also trust in that department more.

Law enforcement agencies should also be using social media to aid in recruitment and hiring. As more and more individuals use social media to search for jobs and research jobs it is vital for a department to use social media to both give information for job hunters and provide an avenue for people to apply directly from the social media feed. Departments are always trying to hire more qualified applicants, and social media postings will quickly expand and widen an applicant pool. No longer will small departments only be able to reach out to the local community with job postings but, they can now allow individuals nationwide to be able to see their job postings. Additionally, the expanded applicant pool will come at no cost to agencies other than the few minutes of time it will take to write up the post and submit it to a social media page.

Some citizens are concerned that law enforcement agencies using social media can or will hinder their first amendment rights. This can be avoided as long as police departments have a good policy in place, train individuals who may monitor their public pages, and enforce moderation fairly. Agencies can easily delete posts that are not protected by the first amendment such as graphic postings, threats, and disclosure of personal information. The Supreme Court has ruled numerous times those types of speech are not protected in *Miller v. California*, *Chaplinsky v. New Hampshire*, and *Gertz v. Robert Welch, Inc.* As an additional measure, departments should put in place a procedure to save and archive all messages they choose to delete to protect themselves from potential lawsuits.

Another reason some object to law enforcement agencies using social media are privacy issues. Some citizens feel departments using social media for investigation cross the boundary into fourth amendment violations. The Supreme Court agrees with law enforcement agencies and finds that postings on social media may be used without 4th amendment concerns. Scott-Hayward (2015) stated the courts even expanded on this in *United States v. Meregildo* where it was ruled postings initially made to friends only may be shared by the friends to police departments as the friends may do what they want with information that was shared to them. With all court precedents currently residing in the favor of law enforcement agencies, there is not much cause for concern about potential fourth amendment violations, at this time.

In 2010, the IACP developed an outline for a model social media policy. They recommend the use of social media in order to “enhance communication, collaboration, and information exchange; streamline process; and foster productivity” (p. 1). Police agencies across the country should use this model policy as a starting point and then write and develop their own departmental policies on using social media. The chief of the agency should set out what they want to accomplish by using social media and then implement it. Agencies then should seek out officers who are already proficient in using social media, send them to trainings on marketing, recruitment, and moderation. After completing the training courses the agency should put in place a system that would keep track of who logged in and makes what post such as requiring a badge number at the end of a post, or for any comment posted. After adopting a policy and sending officers to training, law enforcement agencies should start using postings to open up new relationships with the public, sharing timely information with the public, bring the

community in to aid in solving unsolved crimes, and recruiting the next generation of police officers. Police departments need to be doing anything in their power to connect with the public and social media gives them a great chance to connect with a very large segment of the population.

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